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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,659	07/25/2003	Wen-Chieh Kuo	BHT-3223-30	1813

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TROXELL LAW OFFICE PLLC  
SUITE 1404  
5205 LEESBURG PIKE  
FALLS CHURCH, VA 22041

EXAMINER
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BOSWELL, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/626,659

Applicant(s)

KUO ET AL.

Examiner

Christopher Boswell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 4 is objected to because of the following informalities: lines 2-3 of claim 4 recite the limitation "the attachment is related to a piece of galvanized steel". The examiner is unclear as to how the attachment relates to a piece of steel. To further prosecution, the examiner is examining this limitation as the attachment is of a ferromagnetic substance. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-5, 7, 9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 3,468,576 to Beyer et al.

Beyer et al. disclose a magnetic open/close structure having a primary magnet (15) and an attachment (element 14 where the polarity attracts the primary magnet) to be attracted by the primary magnet being respectively provided to the frame of a lid (13) and a frame of the case (17) with the attachment being fixed at a specific location, a secondary magnet (element 14 where the polarity opposes the primary magnet) having the same polarity facing that of the primary magnet being provided by the side of the attachment, a push key (24) to provide a limited sliding motion for the primary magnet to slide back and forth at where it is overlapped with the attachment or the secondary magnet (figures 3 and 4), the primary magnet being overlapped with the attachment by magnetism when the lid covers upon the case to secure the lid on the case (column 3, lines 17-28), as in claim 1.

Beyer et al. also disclose a slide way (25) being provided in the frame of the lid and a push key (24) being provided in the slide way the primary magnet is fixed in a section in the lid where the push key is embedded (column 3, lines 9-16), and the attachment and the secondary magnet being relatively embedded inside the case (figure 2), as in claim 2, and the attachment is made from a barium ferrite substrate (column 2, lines 64-66), as in claim 4, wherein, the case is comprised of an upper case cover (16) bound to the lid and the attachment and the secondary magnet are fixed to the inner side of the upper cover of the case by means of a consistent binding process including fusion and locking (column 3, lines 5-8), as in claim 5, as well as a recess

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(figure 2) is provided to the push key to catch and hold in position the primary magnet in the section of the lid where the push key is embedded, as in claim 7.

Beyer et al. further disclose multiple primary magnets (figure 5) are fixed in the recess inside the lid at where the push key is embedded and multiple secondary magnets (figure 5) in the same quantity as that of the primary magnets are provided inside the case, as in claim 9, and a face panel (17) of the case is made of a metallic material to constitute the attachment, the primary magnet being provided to the frame of the lid, a specific local part (figure 1) to the frame of the case at where relatively to the location of the primary magnet being magnetized to define a magnetized area (14) constitute a secondary magnet mutually inductive to the primary magnet, as in claim 11.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyer et al., as applied above to claims 1-2, 4-5, 7, 9, and 11.

Beyer et al. discloses the invention substantially as claimed. Beyer et al. disclose the primary magnet being fixed within the lid, and the secondary magnet being positioned within the case. However, Beyer et al. does not disclose the primary magnet being positioned within the case, and the secondary magnet being fixed within the lid. It would have been obvious to one

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having ordinary skill in the art at the time the invention was made to place the primary magnet, the slide way and the push key in the case, and the secondary magnet into the lid in order to rearrange the magnetic latch for better spatial or ergonomic matters. The reversal of components in a prior art reference, where there is no disclosed significance to such reversal, is a design consideration within the skill of the art. In re Gazda, 219 F.2d 449, 104 USPQ 400 (CCPA 1955); In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to magnetic latches:

U.S. Patent Number 6,659,516 to Wang et al., U.S. Patent Number 6,517,129 to Chien et al., U.S. Patent Number 5,312,144 to Yoshida et al., U.S. Patent Number 3,822,906 to Gaines, U.S. Patent Number 3,802,034 to Bookless, U.S. Patent Application Number 2005/0023841 to Chen.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7087. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Daniel P. Stodola". The signature is fluid and cursive, with a large initial 'D'.

CJB *CB*  
March 2, 2005

DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600